



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

October 31, 2008

David Barish
Director
We ARE Marina del Rey
davidb@wearemdr.com

Dear Mr. Barish:

BROWN ACT VIOLATION COMPLAINT

This is in response to your October 16, 2008 e-mail regarding your assertion that the County's recently adopted Uniform Public Hearing Protocols ("Protocols") violate the Ralph M. Brown Act (Government Code section 54950, et seq.) Based upon your e-mail, it appears that you have misinterpreted the Protocols.

Government Code section 54954.3(a) provides that: "[e]very agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item" Government Code section 54954.3(b) provides that [t]he legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker." Pursuant to subdivision (b) of Government Code section 54954.3, the County has adopted the Protocols to be used by all County commissions.

The Protocols provide in relevant part that:

- **REQUESTS TO ADDRESS THE COMMISSION ON AN AGENDA ITEM.** A person requesting to address the Commission will be allowed a total of three (3) minutes per meeting unless the time is adjusted by the Chair as deemed appropriate given the nature of the matter. Requests to be heard must be submitted to the Commission staff through the use of an approved "Speaker Request" form before the item is called.
- **ADDRESSING THE COMMISSION.** No person shall address the Commission until he/she has been first recognized by the Chair. The decision of the Chair to recognize or not recognize a person may be changed by order of the Commission. All persons addressing the Commission shall give their names for the purpose of the record. The Chair may, in the interest of facilitating the business of the Commission, limit or expand the amount of time which a person may use in addressing the Commission

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Under the Protocols, members of the public are permitted a total of three (3) minutes per meeting to address agenda items, other than public comment, unless the time is adjusted by the Chair of the Commission as deemed appropriate given the nature of the matter. During those three (3) minutes, the speaker may address the Commission on as many agenda items as that person wishes. However, the Chair may limit or expand the total time a member of the public is permitted to speak. The Protocols require the use of speaker cards, in part, to facilitate the Chair's management of multiple requests to address the Commission in the time allotted. The overall purpose of the Protocols is to provide the Chair with the tools necessary to better manage Commission meetings in order to maximize public participation and maintain order at meetings.

Russ Lesser, Chair of the Small Craft Harbor Commission, has been advised that the County interprets the Protocols to permit a member of the public to address multiple agenda items within the three (3) minute per meeting time limit, or in such time as is allotted by the Chair given the nature of the matter, as provided for in the Protocols.

I hope this clears up any misunderstanding regarding the Protocols you may have had.

Sincerely,



WILLIAM Y FUJIOKA
Chief Executive Officer

WTF:LS:os

c: Supervisor Gloria Molina
Supervisor Yvonne B. Burke
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Supervisor Don Knabe
Supervisors Michael D. Antonovich
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Santos H. Kreimann, Acting Director of Beaches and Harbors
Russ Lesser, Chair, Small Craft Harbor Commission